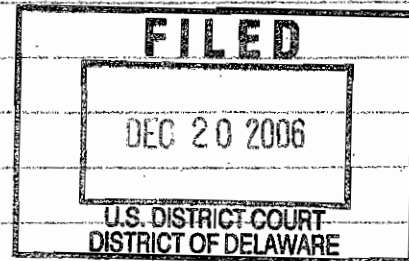


06-778



" Statement of Facts "

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF DUE HEREBY CERTIFY THAT I DID MAIL TWO TRUE AND CORRECT COPIES OF COMPLAINT THOMAS L. CARROL, ET AL. ON THE 17TH DAY OF DEC, 2006, BY U.S. POSTAL TO THE FOLLOWING:

CLERK OF THE COURT
U.S. DISTRICT COURT
844 N. KING ST, LOCKBOX 18
WILMINGTON, DE 19801

DATE: 12/17/06

Jimmy Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

#I

I, A) On or about the 6th of Sept 2006, while I, Jimmie Lewis was prescribed to be on psychological close observation level III status, at about 9:30 Am I was told by psychiatrist Dr. Cannolly that I was being discharged.

At or about 12:00 pm the inmate patients who had actually been discharged were being transferred to their assigned housing areas, but not me.

In response, I asked %o Jellife why I was on the transfer list, only to receive a belligerent response full of profanity for which resulted in a heated verbal confrontation. Soon thereafter,

I covered the surveillance camera with tissue, so %o Jellife wrote me up for a disciplinary code violation, (8TH U.S.C.A RIGHT VIOLATION

SEE ESTELLE V. GAMBLE, 97 S. CT 285, 50, L. Ed 2d 251.)

I, B) Thereafter Dr. Cannolly wrote a order that I be involuntarily injected with (2) separate cocktails of psychotropic drugs, even though there weren't any evidence of psychosis.

Officer Jellife and several other officers opened the flaps in the doors and ordered me to being handcuffed, and I complied.

I was transferred from cell #191, to a cell 4 to 6 cells down the cell block. Upon entering said cell, officer Jellife and several officers tackled me to the floor, at which time officer Jellife abruptly and aggressively twisted my arm maliciously, shouted out numerous profanities while standing on my arm pit and back simultaneously while the other officers simply held me

(I.P.2)

down for nurse mary Snider to inject me with the (2) different hyperdermic needles of psychotropic drugs. before nurse-mary injected me with said hyperdermic needles of psychotropic drugs I informed her that I didn't need nor do I want her to inject me, and that she was injecting me against my will; my plea was ultimately ignored and I was injected against my will. No alternative such as (4) joint restraint was considered and/or utilized prior to the involuntary administration of the psychotropic drugs, see Washington v. Harper, 499 U.S. 210, 221-22 (1990).

I, C) the injuries I received were as such: swelling and bruising to my right arm's shoulder blade and swelling and bruising to my right wrist, swelling and bruising to the (2) different areas where the hyperdermic needles broke my skin and entered my flesh, causing said areas to bleed, persisting and re-occurring migraine headaches, bouts of amnesia, tremors, persisting ear ringing, audio and visual hallucinations, nerve and brain damage due to brain cells being killed by said psychotropic drugs.

8TH AND 14TH U.S.C. A RIGHT VIOLATIONS,
CIVIL ASSAULT AND BATTERY.

#, II

While I was prescribed to be in the infirmary at the D.C.C., on psychological close observation level I and/or II, during the following dates: June 2005 for 1 week, July 2005 for 1 week, Nov 02, 2005 thru Nov 06, 2005, Nov 06, 2005 thru Nov 10, 2005, April 03, 2006 thru May 14, 2006, May 25, 2006 thru June 21, 2006, Aug 30, 2006 thru Sept 13, 2006, and Nov 1, 2006, The D.C.C. warden

Thomas F. Carol, Mental Health Supervisor, Mr Ahmad, Mental Health counselor for the D.C.C. infirmary, Charles Benton, and Psychiatrist Dr Cannolly Denied me the following

privileges that the other inmate patients admitted into the D.C.C. infirmary were given:

1.) access to law library, 2.) grievance procedure, 3.) legal counsel, 4.) daily access to hygiene products, 5.) daily recreation, 6.) mental health therapy or counseling during 4 to 12 and 12 to 8 shifts like inmate patients whom had nurses available to them 24 hours a day, 6.) no suicide blanket, 7.) no suicide footwear, 8.) my mattress was taken from me daily at 6:00 Am and returned at 10:00 Am while other patients were allowed to keep their assigned mattresses.

I filed grievance, but to no avail.

Said actions define violations of my 1ST, AND 8TH U.S.C.A RIGHTS

III

III, A)

On or about 8/22/2006 at the D.C.C., my left hand was x-rayed, for which revealed that my pinky finger was severely broken. The x-ray tech Mary Blades informed Dr. Durot who reviewed my hand as well as the x-ray and confirmed that my pinky finger was indeed broken.

Dr. Durot then abruptly left the area without providing any medical treatment for the broken finger and or for pain, even though Dr. Durot was the physician assigned to the D.C.C. infirmary at that time.

Said injury persisted until 11/30/2006
See Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251.
8TH U.S.C.A RIGHT VIOLATION.

III, B) Shortly thereafter, on or about 8/22/06, at the D.C.C., Dr. Rogers was notified, but did not provide any medical treatment for the broken finger and or for pain.

See grievance # 76249, attached as exhibit
Said injury persisted until 11/30/2006.
See Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251.
8TH U.S.C.A RIGHT VIOLATION.

III, C) During the dates of 8/26-29/2006 I repeatedly informed the mental health counselor to the SNU, (Special needs Unit), Mr. Ferris, that I was experiencing psychological dilemmas that prevented me from getting sleep due to the pain from my broken pinky finger, but to no avail.

III, P. 2

III, D.)

On 8/30/2006 I urgently informed Sgt Cain that I needed emergency medical treatment, but in response Sgt Cain instructed me to lock in my assigned cell, but my urgent emergency medical request was viewed by Sgt Cain as a violation of disciplinary code i.e., "to lock in". Failing to obey, even though I did lock into my assigned cell.

I wrote grievance, but to no avail.
 See, Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251.
 8TH U.S.C.A RIGHT VIOLATION.

III, E) I was thereafter taken from my assigned cell BLD 23, D-U-2, to BLD 24, but while waiting I began experiencing extreme depression for which were followed by suicidal thoughts, LT Welcome was informed who in turn informed staff LT Profaci, who in turn informed my mental health counselor Mr Ferni. Upon Mr Ferni's arrival, I explained my psychotic dilemmas, but Mr Ferni ignored my medical needs, and I was thereafter taken to the disciplinary unit BLD 18, CL-4.

While I was on the disciplinary unit, depression and suicidal thoughts got to me, and I hung myself with a sheet. I woke up in the D.C.C infirmary prescribed to be on ~~regular~~ psychological close observation status level (1).

III, P.3

CONT # III, E)

I wrote grievance, but to no avail.
 See, Estelle V. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251.
 See, Farmer V. Brennan, 511 US 825, 114 S.Ct 1970)
 8TH U.S.CA RIGHT VIOLATIONS.

III, F) During my admission in the D.C.C infirmary dating from 8/30/2006 thru 9/13/06 I alerted C/o Rosalee Vargas, who was the "OIC" (officer in charge), by knocking on the cell door that I both ~~much~~ needed to speak with the nurse and that I needed toilet tissue, but C/o R. Vargas approached my assigned cell and informed me that the only ~~thing~~ thing I would be receiving was a major write up. C/o R. Vargas and I began a heated argument, that resulted in my being deemed unstable enough to be discharged from level I to level II and on discharged from the infirmary altogether.

I wrote grievance, but to no avail.
 See Estelle V. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251.
 8TH U.S.CA RIGHT VIOLATION.

III, P. 4.

III, (G)

During the course of my admissions in the D.C.C infirmary, dating from 8/30/2006 thru 9/13/2006, D.C.C warden Thomas L. Carroll, Psychiatrist Dr. Bolanda, Mental Health Supervisor Mr. Ahmad, Security Supervisor Major Holman conducted a classification meeting that determined that I was to be sent back to the disciplinary housing unit BLD 18. The place that was in part responsible for my attempted suicide, even though they knew said place didn't address my mental health needs ~~area~~ like the SNU could, due in part to the constant confinement and lack of mental health counseling in BLD 18, and on or about 9/13/2006 I was transferred to the disciplinary housing unit never the less, and not back to BLD 23 the mental health unit. I was forced to stay in BLD 18 C-U-2, experiencing extreme depression and suicidal thoughts until Oct 4, 06.

On Oct 4, 2006 I was transferred to BLD 17, C-U-1 disciplinary housing unit where the extreme depression and suicidal thought continued, and were exaggerated by the constant noise of pipes banging on the walls 24 hours a day for 7 days a week until 11/01/2006.

I was sent to BLD 18 AND BLD 17 on Oct 4, 06 as retaliation to the complaint I filed against defendant Rachel Williams, et al 05-013 (GMS), for which includes the D.C.C warden Thomas L. Carroll as a defendant

#III, P.5

cont #III, C)

I wrote grievance, but to no avail.

See, Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed2d 251
See, Farmer v. Brennan, 511 U.S. 825, 114 S.Ct 1970.)
8TH U.S.C.A RIGHT VIOLATION.

III, 4) On 11/01/2006 at or about 2:30 AM

I was transferred to the infirmary from
BLD 17, C-U-1, and prescribed to be on psychological
close observation level II, until about 2:30 PM
at which time I was transferred back to -
BLD 23, D-U-2 SNU UNIT, (SPECIAL NEEDS UNIT),
but subsequently, my personal property remained
in building 17, C-U-1 until 11/06/2006 when
C/O Buckle packed the personal property
I received on 9/21/2006 (see attached property
receipts as exhibit), but C/O Buckley did not
pack and inventory my General Electric radio
cereal number 313794 valued at \$48.00.

Said radio was taken from me and/or
not packed and/or inventoried and returned to me
as an act of retaliation regarding my filing
civil complaint against Rachel Williams, et al 05-013 GMS
(GMS), for which included numerous D.O.C officers.

Note, C/O Buckle questioned me about the number
of officers on the complaint. Stating I quote:
Lewis you should just drop the suit, because
this is their house, and something may mysteriously
happen to you. Unquote. Note, I viewed C/O Buckle's
comment as a threat.

I wrote grievance, but to no avail

1ST U.S.C.A RIGHT VIOLATION.

III, P. 6

III, I)

After being transferred back to the SNU (Special Needs Unit) BLD 23 D-4-2, & subsequently received sanctions from disciplinary hearings conducted by Disciplinary hearing officers LT Larry Savage and LT Ralph Heverin, Disciplinary report numbers 1027195, 1027222, 1027146 for disciplinary code violation write up wrote by Sgt Cain on 8/30/2006 and C/O - Rosalie Vargas between 8/30/2006 and 9/13/2006

~~Disciplinary~~ Disciplinary reports 1027195, 1027222, and 1027146 were never served to the plaintiff, 1.) the plaintiff never received written notice of said disciplinary code violations, 2.) the plaintiff never received notice of fact finding, 3.) the plaintiff was never allowed to present evidence in his own behalf, 4.) The plaintiff was never allowed to appeal, 5.) said disciplinary hearing was conducted more than 7 days after the disciplinary violation. I wrote grievance but to no avail.

See, Avant v. Clifford, 67 NJ 496, 341 A.2d 629.
14TH U.S. CA RIGHT VIOLATION

III, J) said sanctions of 5 days, 5 days, and 30 days confined to quarters BLD 23 D-4-2 dating from 11/20/2006 thru 12/19/2006 interfered with the mental health treatment that is provided for SNU inmates.

III, P. 7

Cont III, T.)

- 1.) I wasn't allowed to order commissary like other SNU inmates,
 - 2.) I wasn't allowed to participate in activity workshop on Mondays,
 - 3.) Music Therapy on Mondays,
 - 4.) Overcoming Thinking errors on Mondays,
 - 5.) Activity workshop on Tuesday,
 - 6.) Psychopharmacology on Tuesdays,
 - 7.) mutilation support group on Tuesdays,
 - 8.) Bibliotherapy on Wednesday,
 - 9.) Arts and Crafts on Wednesday,
 - 10.) Depression support group on Thursday,
 - 11.) Activity workshop on Thursday,
 - 12.) Open activities on Fridays,
 - 13.) Mourning group meetings Monday thru Fridays,
- See SNU activity and group therapy schedule, attached as exhibit

I wrote grievance, but to no avail.

~~See, Estelle v. Gamble, 429 U.S. 97, 50 L. Ed. 2d 251, 98 S.Ct. 255, 73-2054 (1976), cert. denied, 430 U.S. 917, 50 L. Ed. 2d 1081, 99 S.Ct. 323, 74-2054 (1978).~~

8TH ~~See, Estelle v. Gamble, 429 U.S. 97, 50 L. Ed. 2d 251, 98 S.Ct. 255, 73-2054 (1976), cert. denied, 430 U.S. 917, 50 L. Ed. 2d 1081, 99 S.Ct. 323, 74-2054 (1978).~~

See, Estelle v. Gamble, 925 CT 285, 50, L. Ed 2d 251

IV

At the D.C.C dating from 4-7-05 to date, the D.C.C warden Thomas L. Carroll and the D.C.C Deputy Warden S. Pierce have allowed funds to be withdrawn from my inmate account for legal postal fees, to the sum of more than \$1000.00 even though the D.C.C inmate handbook states on page 11, that the state will pay legal postal fees, (see attached inmate handbook page 11), . when ever I receive a money order, the entire sum of the money order is taken, for which leaves me indigent, without funds to purchase hygiene products such as fluoride toothpaste, toothbrush, shampoo, deodorant, soap, lotion, after shave, or commissary products like other inmates.

I am unable to for months practicing hygiene, for which alienates, segregates and has degraded me as a human being.

No deodorant causes me to present as musky, perceived to not be clean, no lotion causes me to present as itchy and ashy, perceived to not be clean, no fluoride toothpaste causes me to present with halitosis, perceived to not be clean, no commissary causes me to go hungry after daily exercise, for which caused me to loose weight to the sum of 25 lbs due to the insufficient portions served at meal time.

#IV P. 2

cont #IV

attached Grievance #'s, 19547 and 80265
I filed grievance, but to no avail.

§ 717 ~~U.S. CA RIGHT VIOLATIONS~~ U.S. CA RIGHT VIOLATIONS

I have been allowed to obtain
indigent mailing supplies to the sum of
\$3.74 a month, but I am prohibited
from purchasing hygiene products and/or
commissary products like other inmates
even though I am required to reimburse
said funds, and family members and
or friends are not allowed to send
me food or hygiene products.

IV

at the D.C.C. since 4-7-2005 to date, the D.C.C. warden Thomas L. Carroll has only permitted me to obtain legal supplies to the sum of \$3.74 a month.

i.e., (4) first class stamps, (4) 12x9 manila envelopes, (16) 10 envelopes, (4) small envelopes, (1) writing pad, (1) pen, for which is due to my indigent status.

Said indigent legal supplies are allowed to be obtained, but 12x15.5 manila envelope that other inmate are allowed to purchase have been denied because of my indigent status, even though ~~from~~ said funds are withdrawn from my inmate ~~at~~ account once someone sends me a money order.

Being denied 12x15.5 manila envelopes have prejudiced me, due to my postconviction appeal which is too voluminous to fit into a 12x9 manila delayed my being able to send out said postconviction appeal before the 9/29/2006 deadline.
see attached exhibit.

I wrote grievance, but to no avail
said actions have violated my 6TH AND 1ST, ~~unenumerated~~ U.S.C.A RIGHTS.

VI

Since 4-7-05 I have filed numerous sick calls for the D.C.C. physician Dr Rogers to provide me with medical treatment for toe nail fungus, only to be told by Dr Rogers that there was nothing that she could prescribe me, because it was cosmetic.

On 10/17/2006 I filed grievance, grievance number 76246 for fungus that has spread to a total of seven of my toes (3) more than I initially was seeking treatment for. My toe nails are literally rotten, the hurt, bleed, present with a foul odor and actually crumble when I clip them. Dr Rogers was made aware of these conditions, but still refused to provide me with medical treatment.

I filed grievance, but to no avail the grievance procedure is futile.
 See, Estelle v. Mombie, 97 S.Ct. 285, 50, 12d 251
 8TH ~~AMENDMENT~~ U.S. CA RIGHT VIOLATIONS.

VII

At the D.C.C. BUD 19, AU-6 on 11/01/05 at about 1:30 pm I Jimmie Lewis asked Sgt M. Everette to call the support service office to check my account in order to determine exactly why the commissary officer didn't process my commissary order when (2) days prior I had received a money order for ~~the~~ \$50. Sgt M. Everette agreed to call the support service office, to check into what appeared to be an error on the behalf of the commissary officer, due to my presenting a photocopy of my inmate account statement printed out and delivered to me just (3) days prior on Oct 27, 2005 along with a money order receipt I had just received just (2) days prior on Oct 28, 2005, but Sgt M. Everette didn't do as she had informed me on 11/01/2005 due to her leaving the building at about 3:30 pm and not returning until 11/02/2005.

On 11/02/05 at about 10:00 am, I asked Sgt M. Everette if she had done as she said she would, for which her response was no!! you have to write the support service office. It was then that I requested for Sgt M. Everette to give me my inmate account printout and my money order receipt, but Sgt M. Everette ignored my request and walked away, off of the unit.

VII P.2

Cont # VII

At about 11:20 Am Sgt M. Everette and CPL L. Ross began serving lunch (hot dogs and beans), at which time I presented Sgt M. Everette with a request to speak with the area LT, Lt Simon; Sgt Everette responded no! and proceeded to serve lunch. At about 11:35 Sgt Everette and CPL L. Ross returned to pick up food trays, Sgt M. Everette requested for me to give her my food tray, I responded with a request to speak with Lt Simon.

In response, Sgt M. Everette stated fuck it, keep the tray. Sgt M. Everette left the unit, only to return (5) minute later.

Upon Sgt M. Everette's arriving at my assigned cell Bld 19, A-4-6, Sgt M. Everette opened the flap and called me, when I arrived to the flap, Sgt M. Everette gestured for me to come closer, I thought Sgt M. Everette was returning my pintout of my account statement and my money order receipt, but to my surprise Sgt M. Everette began spraying capsaicin into my face without warning or reason.

Sgt M. Everette keep spraying capsaicin into my assigned cell for a duration of at least 60 seconds, until her capsaicin can was empty.

VII, P.3

Cont # VII

For at least 10 minutes, I was trapped in my assigned cell blinded, eyes burning, skin burning and unable to grasp oxygen.

10 minutes later Sgt B Everette returned to my assigned cell with LT Simon, CPL Manns, and CPL L. Ross. I was removed from my assigned cell without incident, and taken to (A) unit's interview room.

Injuries were as follows, 1.) burning eyes for 48 hours, 2.) burning skin for 48 hours, 3.) sore throat and coughing that lasted for (7) days. 4.) said injuries caused me to become depressed and suicidal causing me to be prescribed to psychological close observation level II for 4 days 11/02/05 thru 11/06/05.

See disciplinary report # 1021432 I filed grievance, but to no avail. grievance # 20618 but said grievance was dismissed due to it involving alleged disciplinary actions.

8TH U.S.C.A RIGHT VIOLATION, AS WELL AS CIVIL ASSAULT AND BATTERY.

VII

Under color of state law, at the D.C.C. on 8/22/2006, disciplinary hearing officer LT Ralph Hevesin conducted a disciplinary hearing and found me guilty for the disciplinary code violation 40 R. Vargas wrote (DR# 1026789), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up. 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with written notice of fact finding, 4.) without allowing me to appeal 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I wrote grievance, but to no avail.
See, *Avant v. Clifford*, 67 NT 496, 341 A.2d 629
14 TH U.S. CA RIGHT VIOLATIONS

Note, said disciplinary write up, are said to have occurred in the infirmary while I was on psych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.O.C. policy and or doctors orders, i.e. infirmary.

#IX

Under color of state law at the D.C.C
 on 5/08/2006 at or about 00:01 AM
 C/o Rosalie Vargas wrote a disciplinary code
 violation against me DR# 1024850, while I was
 prescribed to be on psychological close observation
 level II status, (due to being deemed psychotic),
 without first consulting with the psychiatrist whom
 prescribed me to be on psych close observation
 status, in order to determine my mental health
 status, and or to determine before hand if said
 disciplinary sanction would be appropriate and or
 interfere with my mental health treatment while
 housed in the infirmary and or my over all
 rehabilitative therapy. Note, due to C/o R. Vargas
 continuously arguing with me, my psychotic
 condition was exaggerated, for which caused
 my mental health condition to be deemed
 unstable and prolonged my admissions in the infirmary

I wrote grievance but to no avail.
 See, Estelle v. Gamble, 975 CT 285, 50, L Ed 2d 251.
 8TH U.S.C.A RIGHT VIOLATION.

~~X~~

under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT. Ralph Hevesin conducted a disciplinary hearing and found me guilty for the disciplinary infraction #10 Rosalie Vargas wrote (OR# 1024850), and caused me to serve (5) day confined to quarters sanction without 1.) allowing me to present evidence in my own behalf, 2.) without providing me with written notice of fact finding, 3.) without allowing me to appeal. 4.) said disciplinary hearing was conducted more than (7) days after the alleged disciplinary violation is said to have occurred.

I filed grievance but to no avail.
See, *Abant V. Clifford*, 67 NJ 496, 341 A.2d 629

14TH U.S.C.A RIGHT VIOLATIONS.

XI

Under color of state law, at the P.C.C on 5/07/2006 at or about 00:15 Am G/Rosalie Vargas wrote a disciplinary code violation against me, (DIR # 1024832), while I was prescribed to be on psychological close observation level II status, (due to being deemed psychotic), without first consulting with the psychiatrist whom prescribed me to be on psych close observation status, in order to determine my mental health status, and or to determine before hand if said disciplinary sanction would be appropriate and or interfere with my mental health treatment while housed in the infirmary and or my over all rehabilitative therapy. Note, due to G/R. Vargas continuously arguing with me my psychotic condition was exasperated, for which caused my mental health condition to be deemed unstable and prolonged my admission in the infirmary.

I wrote grievance, but to no avail.
 See, Estelle V. Gamble, 975 CT 285, 50 L Ed 2d 251
 8TH U.S.C.A RIGHT VIOLATION.

~~XII~~

under color of state law, at the D.C.C on 6/20/2006 disciplinary hearing officer LT Ralph Hevesin conducted a disciplinary hearing and found me guilty for the disciplinary ~~violation~~ infraction c/o R. Vargas wrote, (BR # 1024832), and caused me to serve a (5) day confined to quarters sanction without 1.) allowing me to present evidence in my own behalf, 2.) without providing me with written notice of fact finding 3.) without allowing me to appeal 4.) said disciplinary hearing was conducted more than (7) days after the alleged disciplinary violation is said to have occurred.

I filed grievance but to no avail
see, *Avant v. Clifford*, 67 NT 496, 341 A.2d 629

14 TH U.S. CA RIGHT VIOLATIONS

XIII

Under color of state law, at the D.C.C on 5/02/2006 at or about 07:36 Am Yo Rosake Vargas wrote a disciplinary code violation against me, (DR # 1024743), while I was prescribed to be on psychological close observation level II status, (due to being deemed psychotic), without first consulting with the psychiatrist whom prescribed me to be on psych close observation status, in order to determine my mental health status, and or to determine ~~my~~ before hand if said disciplinary sanction would be appropriate and or interfere with my mental health treatment while housed in the infirmary and or my over all rehabilitative therapy. Note, due to Yo R. Vargas continuously arguing with me, my psychotic condition was exaggerated, for which caused my mental health condition to be deemed unstable and prolonged my admission in the infirmary.

I wrote grievance, but to no avail
 See, Estelle V. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251
 8TH U.S.C. A RIGHT VIOLATION.

~~XIV~~

Under color of state law, at the D.C.C
on 5/16/2006 disciplinary hearing officer
CT Ralph Haverin conducted a disciplinary
hearing and found me guilty for the disciplinary
code violation c/o R. Vargas wrote, -
(DR # 1024743), and caused me to serve a
(5) day confined to quarters sanction without
1.) allowing me to present evidence in my
own behalf, 2.) without providing me with
written notice of fact finding, 3.) without
allowing me to appeal 4.) Said disciplinary
hearing was conducted more than (7) days
after the alleged disciplinary violation is
said to have occurred.

I filed grievance, but to no avail.
See, Avant V. Clifford, 62 NT 496, 341 A.2d 629

14TH U.S. CA RIGHT VIOLATIONS

~~XV~~

Under color of state law, at the D.C.C on 5/02/2006 at or about 07:00 AM Yo Rosalva Vargas wrote me a disciplinary code violation against me, (DR# 1024742), while I was prescribed to be on psychological close observation level II status, (due to being deemed psychotic), without first consulting with the psychiatrist whom prescribed me to be on psych close observation status, in order to determine my mental health status, and or to determine before hand if said disciplinary sanction would be appropriate and or interfere with my mental health treatment while housed in the infirmary and or my ones all rehabilitative therapy. Note, due to Yo R. Vargas continuously arguing with me my psychotic condition was exaggerated, for which caused my mental health condition to be deemed unstable and prolonged my admission in the infirmary.

I wrote grievance, but to no avail.
 See, Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251
 8TH U.S. CA RIGHT VIOLATION

XVI

under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer Lt Ralph Haverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote, (DR # 1024742), and caused me to serve a (5) day confined to quarters sanction without 1.) allowing me to present evidence in my own behalf, 2.) without providing me with written notice of fact finding, 3.) without allowing me to appeal 4.) said disciplinary hearing was conducted more than (7) days after the alleged disciplinary violation is said to have occurred.

I filed grievance but to no avail.
see; Avant v. Clifford, 62 NT 496, 341 A.2d 629
14TH U.S. CA RIGHT VIOLATIONS.

#XVII

Under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT Ralph Hererim conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote (DR.#1024784), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up. 2.) without allowing me to present evidence in my own behalf, 3.) without providing with a written notice of the fact finding, 4.) without allowing me to appeal, 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I filed grievance, but to no avail.
See, Avant v. Clifford, 67 NT 496, 341, A.2d 629
14TH U.S.C.A RIGHT VIOLATION.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and on II, in the infirmary for which prohibits the possession of pen or paper on said status, per D.O.C policy and or doctors orders.

XVIII

Under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT Ralph Heverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote, (DR# 1024743), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up, 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of the fact finding, 4.) without allowing me to appeal, 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I filed grievance, but to no avail
see, *Avant v. Clifford*, 67 N.Y. 496, 341 A.2d 629
14TH U.S. CA RIGHT VIOLATION.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and or II, in the infirmary, for which prohibits the possession of pen or paper on said status, per D.C.C. policy and or doctors orders

XIX

Under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT Ralph Heverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation 40 R. Vargas wrote, (DR # 1024850), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up. 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of the fact finding 4.) without allowing me to appeal, 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I filed grievance, but to no avail.
 See; Arant V. Clifford, 67 NY 486, 341 A.2d 629
 14TH U.S. CA RIGHT VIOLATION.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and on II in the infirmary, for which prohibits the possession of pen or paper on said status, per D.O.C. policy and or doctors orders, i.e. infirmary.

~~XX~~

under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT Ralph Henerin conducted a disciplinary hearing and found me guilty for the disciplinary code violation % R. Vargas wrote, (CR# 1024836), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of fact finding 4.) without allowing me to appeal, 5.) said disciplinary hearing was conducted more (7) days after the alleged code violation was said to have occurred.

I filed grievance, but to no avail
See, Grant v. Clifford, 67 NT 496, 341 A.2d 629
14 14TH U.S.C.A. RIGHT VIOLATION

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.O.C policy and or doctors orders; i.e infirmary

~~XXI~~

Under color of state law, at the D.C.C. on 6/20/2006 disciplinary hearing officer Lt. Ralph Heverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation 90 R. Vargas wrote (DR# 1024762), and caused me to serve a (5) day loss of all privileges sanction 1.) without providing me with a written notice of the alleged disciplinary write up, 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of fact finding, 4.) without allowing me to appeal 5.) Said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I wrote grievance but to no avail.
See, *Arant v. Clifford*, 67 AF 496, 341 A.2d 629
14 74 U.S. CA RIGHT VIOLATIONS.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on Baych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.O.C policy and or doctors orders, i.e., infirmary

XXII

under color of state law, at the D.C.C. on 9/07/2006 disciplinary hearing officer LT. Larry Savage conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote (PR# 1027063), and caused me to serve a 5 day loss of all privileges sanction 1.) without providing me with a written notice of the alleged disciplinary write up, 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of fact finding. 4.) without allowing me to appeal. 5.) Said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I wrote grievance, but to no avail
See, Arant V. Clifford, 67 NT, 496, 341 A.2d 629
14TH USCA RIGHT VIOLATIONS

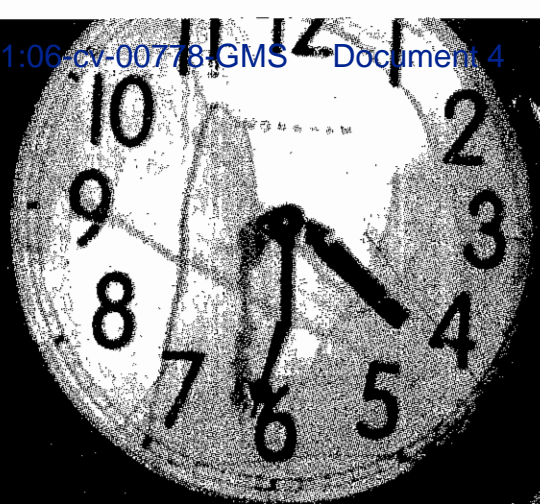
Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.O.C. policy and or doctors orders, i.e. infirmary

XXIII

Under color of state law, at the D.C.C. on 9/07/2006 disciplinary hearing officer Lt. Larry Savage conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote, (DR# 1027067), and caused me to serve a 15 day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up. 2.) without allowing me to present evidence in my own behalf., 3.) without providing me with a written notice of fact finding. 4.) without allowing me to appeal. 5.) Said disciplinary hearing was conducted more than (77) days after the alleged code violation was said to have occurred.

I wrote grievance, but to no avail.
See, *Avant v. Clifford*, 67 NT 496, 341, A.2d 629
14TH U.S.C. & RIGHT VIOLATIONS.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.O.C policy and or doctors orders; i.e infumary



More need psychological
help than ever, but
few are getting it

**Mental
health
patients
find little
help in Del.**

NEWS BRIEFS**Three injured in jump
from burning boat**

BRICK: Three people suffered minor burns and two others escaped injury when all five jumped from a boat that caught fire in the Barnegat Bay near the Metedeconk River yesterday, Brick Township police said.

The boat was about 30 yards out from an Ocean County marina about 4:30 p.m. when flames engulfed the craft, possibly the result of an explosion, said Sgt. Craig Lash.

All five boaters were rescued, the sergeant said. The boat, which was gutted, drifted to shore and beached itself.

**Public is asked to help
find missing Newark man**

NEWARK: Police are seeking the public's assistance in finding a city resident who suffers from schizophrenia and a bipolar disorder.

Jimmie Lewis Jr., 36, talked last with his mother by telephone on May 19, but wasn't reported missing until June 25, said Lt. Derek Glenn, a city police spokesman.

**LEWIS**

He said Lewis, described as manic depressive, is 6 feet 2 inches, weighs 230 pounds, has brown eyes, black hair and a dark skin.

Glenn said anyone with information should contact police at (973) 733-5172.